

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CYNTHIA HUNT PRODUCTIONS, LTD.

Plaintiffs,

v.

EVOLUTION OF FITNESS HOUSTON,
INC.

Defendant.

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C. A. No.: 4:07-cv-00170

PRELIMINARY INJUNCTION

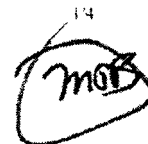
The Court heard Plaintiff Cynthia Hunt Productions, Ltd.'s applications for preliminary injunction and Defendant Evolution of Fitness Houston, Inc.'s opposition to the application. This Court's findings of fact and conclusions of law are stated on the record and incorporated herein by reference for all purposes. The court FINDS as follows:

1. Plaintiff will suffer irreparable injury, loss or damage if Defendant does not immediately cease its use of Plaintiff's copyrighted work, specifically the video and graphic loader contained on the homepage of Defendant's website, www.evofit.net.
2. The injury is irreparable because it cannot be fully measured or compensated with money damages and Plaintiff has no adequate remedy at law.
3. There is a substantial likelihood that Plaintiff will succeed on the merits.

For these reasons the Court ORDERS that Defendant Evolution of Fitness, Inc., its officers, agents, servants, employees, attorneys, and all persons acting in concert with them are restrained from using, copying, displaying, marketing, profiting from Plaintiff's copyrighted work, specifically the video and graphic loader contained on the homepage of Defendant's

Order on Plaintiff's Application for Preliminary Injunctive Relief

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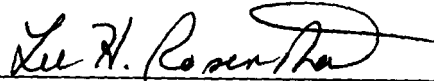
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website, www.evofit.net, until the full amount of the invoices related to the copyrighted material are paid minus the amounts invoiced for work on the advertisements which are no longer being used.

The Court further ORDERS that, Plaintiff does not waive any statutory or common law rights and remedies it has or may have, either at law or at equity, if the full amount of the invoices related to the copyrighted material are paid.

The Court further ORDERS Plaintiff to post a bond in the amount of \$2,500.00.

SIGNED on March 7, 2007, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal
United States District Judge

APPROVED AS TO SUBSTANCE AND AS TO FORM:

By: R. Brandon Bundren

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